

**Amendment and Response Under 37 C.F.R. 1.116**

Applicant: Ian D. Gaston

Serial No.: 10/691,261

Filed: October 22, 2003

Docket No.: 200901405-1

Title: METHOD FOR STANDARDIZING REPORTING OF ISSUES, ASSUMPTIONS, AND RISKS FOR A RISK REVIEW BOARD

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**REMARKS**

The following remarks are made in response to the Final Office Action mailed April 28, 2009. Claims 1-15 were rejected. With this Response, claims 1, 2, 4-7, 10-12, and 15 have been amended, claims 16-21 have been added, and claims 3, 8, and 13 have been cancelled without prejudice. Claims 1, 2, 4-7, 9-12, and 14-21 remain pending in the application and are presented for reconsideration and allowance.

**Claim Rejections under 35 U.S.C. § 101**

The Examiner rejected claims 1-5 under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

Claim 3 has been cancelled. Claims 1, 2, 4, and 5 have been amended to be directed to statutory subject matter. Therefore, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. § 101 rejection to claims 1, 2, 4, and 5, and request allowance of these claims.

**Claim Rejections under 35 U.S.C. § 103**

The Examiner rejected claims 1-3, 5-8, 10-13, and 15 under 35 U.S.C. § 103(a) as being unpatentable over Falso et al., U.S. Patent Publication No. 2003/0125965 (“Falso”), Wolff et al., U.S. Patent No. 5, 774, 887 (“Wolff”), and further in view of Hitchcock et al., U.S. Patent No. 6,460,042 (“Hitchcock”).

Applicants submit that Falso, Wolff, and Hitchcock, either alone, or in combination, fail to teach or suggest the limitations recited by amended independent claim 1 including **presenting via the computer system with forms for entering information about risk management units including assumptions, risks, issues, and risk plans**.

Falso discloses a contract risk management system that receives information relating to a particular proposed contract, which may include one or more risk variations or variations to a standard form of contract. (Abstract). Figures 1-4 of Falso illustrate sample display pages of a contractual risk management system. Figure 1 is a display page used to collect general

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information describing a proposed contract and its proposed variations. (Para. [0023]). Figure 2 is a display page used to collect information about risk factors associated with a particular proposed contract. (Para. [0027]). Figure 3 is a display page used to collect information about a proposed contract and about approval of high-risk terms of the proposed contract. (Para. [0029]). Figure 4 is a display page used to collect information about the person responsible for a proposed contract. (Para. [0034]).

The display pages disclosed by Falso fail to teach or suggest forms for entering information about *risk management units including assumptions, risks, issues, and risk plans*. Wolff and Hitchcock also fail to teach or suggest forms for entering information about *risk management units including assumptions, risks, issues, and risk plans*.

In view of the above, Applicants submit that the above rejection of independent claim 1 under 35 U.S.C. § 103(a) should be withdrawn. Dependent claim 3 has been cancelled. Dependent claims 2 and 5 further define patentably distinct independent claim 1. Accordingly, Applicants believe that these dependent claims are also allowable over the cited references.

For similar reasons as discussed above with reference to independent claim 1, Applicants submit that Falso, Wolff, and Hitchcock, either alone, or in combination, also fail to teach or suggest the limitations recited by amended independent claim 6 including **first instructions for presenting with forms for entering information about risk management units including assumptions, risks, issues, and risk plans**; and the limitations recited by amended independent claim 11 including **first means for presenting with forms for entering information about risk management units including assumptions, risks, issues, and risk plans**.

In view of the above, Applicants submit that the above rejection of independent claims 6 and 11 under 35 U.S.C. § 103(a) should be withdrawn. Dependent claims 8 and 13 have been cancelled. Dependent claims 7, 10, 12, and 15 further define patentably distinct independent claim 6 or 11. Accordingly, Applicants believe that these dependent claims are also allowable over the cited references.

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Therefore, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection to claims 1, 2, 5-7, 10-12, and 15, and request allowance of these claims.

The Examiner rejected claims 4, 9, and 14 under 35 U.S.C. § 103(a) as being unpatentable over Falso, Wolff, and Hitchcock, and further in view of Engert et al. "Risk Matrix User's Guide" ("Engert").

Dependent claims 4, 9, and 14 further define patentably distinct independent claim 1, 6, or 11. Accordingly, Applicants believe that these dependent claims are also allowable over the cited references. Therefore, Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. § 103(a) rejection to claims 4, 9, and 14, and request allowance of these claims.

**Added Claims**

Claims 16-21 have been added. Applicants believe that claims 16-21 are allowable over the cited references. Allowance of claims 16-21 is respectfully requested.

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**CONCLUSION**

In view of the above, Applicants respectfully submit that pending claims 1, 2, 4-7, 9-12, and 14-21 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1, 2, 4-7, 9-12, and 14-21 is respectfully requested.

No fees are required under 37 C.F.R. 1.16(h)(i). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 08-2025.

The Examiner is invited to contact the Applicants' representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment/Reply should be directed to Patrick G. Billig at Telephone No. (612) 573-2003, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

IP Administration  
Legal Department, M/S 35  
HEWLETT-PACKARD COMPANY  
P.O. Box 272400  
Fort Collins, Colorado 80527-2400

Respectfully submitted,

Ian D. Gaston, et al.,

By their attorneys,

DICKE, BILLIG & CZAJA, PLLC  
Fifth Street Towers, Suite 2250  
100 South Fifth Street  
Minneapolis, MN 55402  
Telephone: (612) 573-2003  
Facsimile: (612) 573-2005

Date: June 26, 2009  
PGB:kmh

/Patrick G. Billig/  
Patrick G. Billig  
Reg. No. 38,080